

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**CENTRAL ILLINOIS PUBLIC SERVICE
COMPANY (d/b/a AMERENCIPS),
A Subsidiary of AMERREN CORPORATION,**

Plaintiff,

v.

**INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS LOCAL
UNION NO. 702,**

Defendant.

Case No. 05-4140-DRH

ORDER OF DISMISSAL

HERNDON, District Judge:

Upon consideration of the parties' Joint Stipulation for Dismissal filed pursuant to **Federal Rule of Civil Procedure 41(a)(1)** (Doc. 28), it is hereby ordered that the claims of plaintiff Central Illinois Public Service Company (d/b/a AMERENCIPS), against defendant, International Brotherhood of Electrical Workers Local Union No. 702, are **DISMISSED WITHOUT PREJUDICE**.¹

¹ Although this dismissal of Plaintiff's claims is without prejudice, the Court notes that pursuant to Rule 41(a)(1), this dismissal will operate as an adjudication upon the merits when filed by a plaintiff who has once dismissed in any court of the United States or of any state an action based on or including the same claim.

Each party is to bear its own costs.

IT IS SO ORDERED.

Signed this 16th day of November, 2005.

/s/ David RHerndon
United States District Judge